

THE JURISDICTION OF THE INTERNATIONAL CRIMINAL COURT: CRITICISMS, POLITICAL PRESSURES, AND THE CHALLENGES OF ITS EXPANSION.

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Abstract: *The International Criminal Court is an international tribunal for war crimes, genocide, crimes against humanity, and the crime of aggression, and it holds an important place in the global system of legal justice. However, the Court's jurisdiction and activities face a number of serious criticisms. First, powerful non-member states (for example, several major powers) do not recognize the ICC's judgments or orders, which undermines confidence in universal justice. Second, the court's enforcement—arrests, investigations, detentions, and sentence executions—largely depends on states' cooperation. In many cases, if states do not cooperate, the court's judgments remain “on paper.” Third, the court is under criticism of “selective justice”; Critics point out that the court tends to focus on cases in relatively weak states or in Africa, often overlooking those of powerful states (even if they are not members).*

Ultimately, while the International Criminal Court can be an important instrument for global justice and accountability, ensuring its expansion and effectiveness requires a coherent and fair concept among the global community, states, and international organizations.

Keywords: *International Criminal Court (ICC), jurisdiction (territorial and personal), Rome Statute, sovereignty, political pressure, enforcement, extradition, execution of sentences, states parties and non-states parties, aggression, war crimes, genocide, crimes against humanity.*

INTRODUCTION

The importance and relevance of the International Criminal Court.

Today, in international law, the International Criminal Court's functioning system is one of the most complex and, at the same time, most pressing areas in human history.

The International Criminal Court (hereinafter ICC) was adopted in 1998 under the Rome Statute and has been operating since July 2002. The primary mission of this court is to ensure individual accountability for international crimes, namely genocide, crimes against humanity, and crimes of aggression.

"Currently, two types of international criminal courts are operating to prosecute individuals responsible for serious international law violations. These are the international tribunals for the former Yugoslavia and Rwanda, established in 1993–1994. In addition, in 1998 the Statute of the International Criminal Court was adopted in Italy (Rome), and it





entered into force in July 2002 after being ratified by 62 states.¹⁴ That is, the international tribunals for the former Yugoslavia and Rwanda mentioned in this theory are no longer active today. It is described as follows: "It was a UN tribunal that examined war crimes committed during the conflicts in the Balkans in the 1990s. During its mandate, from 1993 to 2017, it completely transformed the landscape of international law, giving victims the opportunity to tell the stories of the horrors they had endured and witnessed.

It also proved that the most senior suspects could be held accountable for the atrocities committed during armed conflicts.¹⁵ However, although these two tribunals have been dissolved, the commission of such international crimes has not ceased, and the International Criminal Court continues to operate to investigate and prosecute these grave crimes.

Based on Odilqoriyev's theory above, the International Criminal Court Statute is discussed. The Statute is derived from English and means "I decide, I resolve,"¹⁶ The name of the multilateral international founding instrument that regulates the activities of the international body. Now, the relevance of this activity lies in the fact that the ICC is currently the only judicial body globally striving to establish justice against international crimes.

However, despite this, many criticisms have been voiced in practice regarding its jurisdiction, political independence, and effectiveness. The main purpose of this essay is to analyze the ICC's jurisdiction, the criticisms that have been leveled against it, and the key challenges in expanding the court's activities.

2. The theoretical-scientific section, their differences, and the essence of the criticisms.

A brief overview of the International Criminal Court's jurisdiction indicates that it refers to the court's authority to try specific individuals for certain crimes. Since this court was established under the Rome Statute, it accordingly considers four types of international crimes, for example: genocide - acts committed with the intent to wholly or partially destroy a religious or national group, crimes against humanity - slavery committed against civilians in a territory as a result of widespread or systematic attacks, rape or other similar crimes, war crimes—conducting armed conflicts, failing to comply with the rules of international law. such as attacks on civilians, and finally aggression—crimes committed by one state against another through the use of armed force. According to the International Criminal Court's website: "The International Criminal Court (ICC) investigates and, where warranted, tries individuals charged with the most serious crimes of concern to the international community: genocide, war crimes, crimes against humanity and the crime of aggression. As a court of last resort, it seeks to complement, not replace, national Courts.

¹⁴ X.T.Odilqoriyev, B.E.Ochilov. Xalqaro ommaviy huquq. 2007-yil. 237-b

¹⁵ https://uz.wikipedia.org/wiki/Sobiq_Yugoslaviya_bo%CA%BByicha_Xalqaro_tribunal

¹⁶ X.T.Odilqoriyev, B.E.Ochilov. Xalqaro ommaviy huquq. 2007-yil. 510-b





Governed by an international treaty called the Rome Statute.”¹⁷ In other words, its primary scope is the crimes regulated as mentioned above and under the Rome Statute. Furthermore, the International Criminal Court is an independent organ and, in terms of its mandate, does not belong to the UN; rather, it operates in cooperation with it. A prime example is the 2004 October 4 agreement regulating institutional relations.

There are various scholarly theories about the International Criminal Court, and although both appear correct in principle, it is more difficult to determine which one is sound. “The International Criminal Court does not prosecute groups or states, but rather individual persons for criminal liability.

Any person suspected of committing a crime within the Court's jurisdiction can be held accountable before it.”¹⁸ Thus, this court brings legal proceedings against individuals who have committed international crimes. However, despite some criticism and debate, according to another scholarly-theoretical view: “The judgments of the Nuremberg military tribunal noted that international crimes are committed not by states but by individuals. While the meaning of this rule is clear, it is not entirely accurate.

International law can also be violated by states. For example, aggression is a crime committed by a state. However, here, not only the state but also the heads of state who made certain decisions are held responsible. A theory is presented based on the explanation that “responsibility is of different kinds: a state is held internationally legally responsible, while a natural person is held internationally criminally legally responsible.” Moreover, it would not be surprising to say that the events that took place between Nuremberg and Tokyo served as the primary historical source for the International Criminal Court. However, today's criticisms of it are that, although 124 states are members of the ICC, developed countries such as Russia, the United States, and China are not.

Naturally, since they are not members (having not ratified the Rome Statute), the International Criminal Court cannot intervene in the event of war, military pressure, or similar conflicts between them. For this reason, despite the ICC's jurisdiction ensuring universal justice, it is also subject to political criticism.

Conclusion.

The International Criminal Court is an important organ that strengthens the system of justice for all humanity and contributes to ensuring accountability for international crimes on a global scale. However, numerous criticisms, the refusal of developed countries to become members, and the weakness of its enforcement mechanisms undermine the court's effectiveness and development. Nevertheless, the ICC's activities have been strengthening the principle of no impunity on the international stage.

¹⁷ <https://www.icc-cpi.int/>

¹⁸ F.L.Miruktamova. BMT Xalqaro sudi va xalqaro jinoyat sudi: savollar va javoblarda. Tashkent.2024.56-b





In the near future, to further strengthen and improve the scope of the International Criminal Court's work, it is necessary to partially limit the influence of the UN Security Council, ensure the independence of the prosecution, it is necessary to create broad conditions for them and, most importantly, to make this court binding even on non-member states.

This is because the challenges of expanding the court's activities—namely, the fact that the Rome Statute has not been ratified by all states—are hindering the full implementation of the principle of global justice.

The criticisms stem from the fact that while the court plays an active role in certain regions, it remains outside the jurisdiction of other major non-member states, leaving them unaccountable.

In the future, ensuring the court's independence, freeing it from political pressures, and universalizing its jurisdiction will become one of the most pressing tasks for strengthening international justice.

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